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1 Susan M Didriksen, Chapter 7 Trustee
PO Box 1460
2 Shingle Springs, CA 95682
Tel: (530)232-6119
3 E-mail: didriksen1@gmail.com

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5 **UNITED STATES BANKRUPTCY COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **SACRAMENTO DIVISION**

8 In re:

9 **GENE VERNON HEITMEYER and**
10 **CAROLYN R. HEITMEYER,**
11 Debtors.

Case No. 10-37586-C-7
DCN: SMD - 2

DATE: December 14, 2010
TIME: 9:30 A.M.
LOCATION: 501 I Street, 6th Floor
Department C
Courtroom 35 (6th Floor)
Sacramento, CA 95814

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13 **TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE**

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15 TO: THE HONORABLE CHRISTOPHER M. KLEIN, JUDGE, U. S. BANKRUPTCY
16 COURT; THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED
DEBTORS; AND, THE DEBTORS' ATTORNEY.

17 The undersigned, Susan M. Didriksen, the court appointed Chapter 7 Trustee (the "Trustee") in
18 the above-captioned Bankruptcy estate of GENE VERNON HEITMEYER and CAROLYN R.
19 HEITMEYER, (the "Debtors"), hereby requests that this Court approve the sale of the Bankruptcy's
20 Estate's interest in a 1998 Cadillac Seville (the "Motor Vehicle"), with approximately 111,000 miles
21 on the odometer, to Auto Sense, an unrelated third party, for \$2,000 cash. In support of this motion,
the undersigned Trustee respectfully represents the following:

22 1. The Debtors filed a voluntary Chapter 7 Bankruptcy Petition on or about July 2, 2010,
23 and an Order for Relief was entered thereon.

24 2. Susan M. Didriksen was appointed as the Interim Chapter 7 Trustee on or about July 2,
25 2010, and continues to serve in that capacity.

1 3. The Court has jurisdiction over the current motion under 28 U.S.C. §§ 157(a) and 1334.
2 This is a core proceeding under 28 U.S.C. section 157(b)(2)(A), (N) and (O).

3 4. The Debtors filed Schedule B on or about July 2, 2010, but did not disclose personal
4 property described above since they had inappropriately transferred the property to a family member

5 5. The Debtors filed an amended Schedule B on or about August 25, 2010 that disclosed the
6 personal property described above as:

7 “1998 Cadillac Seville SLS. 111,000 miles, Condition: Fair”

8 (hereinafter referred to as the “Motor Vehicle”), having a disclosed market value
9 of \$3,485.

10 6. The Debtors’ Amended Schedule “C” filed on or about August 25, 2010, claimed a
11 monetary exemption pertaining to the Motor Vehicle in the amount of \$3,485 pursuant to C.C.P.
12 §703.140(b)(5). However, the Debtors have offered to voluntarily turnover the Motor Vehicle to the
13 Bankruptcy Estate as a settlement for the inappropriate transfer that occurred.

14 7. The Debtors’ Schedule D filed on July 2, 2010, disclosed no indebtedness nor obligations
15 secured by the Motor Vehicle.

16 8. The Trustee requests the Court to approve a sale of the Motor Vehicle to Auto Sense, an
17 unrelated third party, for \$2,000 cash.

18 9. The payment will be made in cash in the form of Cashier’s Check to the undersigned
19 Trustee for the purchase of the Motor Vehicle.

20 10. At the Court hearing, the Trustee will request that the Court solicits overbids. The
21 Trustee further requests that overbids, if any, be submitted in minimum increments of \$500.00 from
22 qualified bidders who much contact the Trustee at least twenty-four hours prior to this hearing. Any
23 successful over bidder must remit the full amount of the cash selling price to the Trustee within
24 twenty-four hours after the Court hearing is concluded.

25 11. The undersigned Trustee believes that the immediate liquidation of the Subject Personal
26 Property is in the best interest of the Bankruptcy Estate. Therefore, the trustee requests the approval
27 from this Court to sell the aforementioned Motor Vehicle to Auto Sense, an unrelated third party, for
28 \$2,000 cash.

29 WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve a
30 sale of the aforementioned Motor Vehicle in the manner stated herein, B.) Provide authority for the
31 Trustee to execute all documents necessary to complete the contemplated sale.

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Dated: November 10, 2010

Respectfully submitted,
/s/ Susan M. Didriksen
Susan M. Didriksen, Chapter 7 Trustee